

Notice of Allowability

Application No.

10/733,059

Examiner

John J. Figueroa

Applicant(s)

PATEL, BHARAT B.

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to After-Final Amendment filed October 19, 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Rodney B. Carroll on October 19, 2006.

The claims of the application have been amended as follows:

Claim 1. (Currently Amended) A method for reducing fluid loss from a wellbore servicing fluid, comprising: combining a terpolymer with the wellbore servicing fluid to reduce the fluid loss from the fluid, the terpolymer being formed from the following monomers:

(a) from ~~greater than~~ 85% to about 95% of 2-acrylamido-2-methylpropanesulfonic acid or an alkali salt thereof;

(b) from about 3% to less than 10% of N-vinyl-2-pyrrolidone; and

(c) from about 3% to ~~less than~~ 5% of acrylamide.

Please cancel claims 18 and 20-31.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: the prior art of record does not teach or support a method for reducing fluid loss from a wellbore servicing fluid that comprises combining a *terpolymer* with said servicing fluid to reduce

Art Unit: 1712

servicing fluid that comprises combining a *terpolymer* with said servicing fluid to reduce fluid loss from said servicing fluid, wherein said terpolymer contains: (a) from 85% to about 95% of 2-acrylamido-2-methylpropanesulfonic acid (AMPS) or an alkali salt thereof; (b) from about 3% to less than 10% of N-vinyl-2-pyrrolidone (NVP); and (c) from about 3% to 5% of acrylamide (Am).

3. The closest prior art of record are USPN 6,380,137 B1 to Heier et al. (hereinafter 'Heier') and USPN 6,030,928 to Stahl et al. (hereinafter 'Stahl').

Heier discloses a copolymer having *four* monomers containing 85% of an ammonium salt of AMPS, 5% of NVP, 5% of Am and 5% of vinylformamide (Sample No. 5 on Table 1) but does not disclose a *terpolymer* of only AMPS, NVP and Am monomers having the composition percentages recited in independent claim 1.

Stahl discloses a drilling fluid containing a water-soluble polymer additive formed from the same monomer components as the terpolymer recited in the instant claims but with different weight percentages for said monomer components: about 10 to about 80 weight percent for AMPS or a salt thereof, about 10 to about 80 weight percent of NVP and about 10 to 55 weight percent of acrylamide (Col. 132, lines 1-31).

Thus, neither Heier nor Stahl disclose a method of using a terpolymer additive in combination with a wellbore servicing fluid to reduce fluid loss from said wellbore fluid, wherein said terpolymer additive has the same monomer components and the same weight percentages as the terpolymer recited in the instant claims.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 1712

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

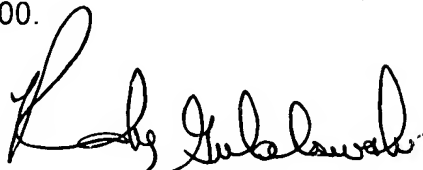
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J. Figueroa whose telephone number is (571) 272-8916. The examiner can normally be reached on Mon-Thurs & alt. Fri 8:00-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JJF/RAG


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